

RESOLUTION NO. _____, SERIES 2022

A RESOLUTION REQUESTING THE PLANNING COMMISSION REVIEW THE LAND DEVELOPMENT CODE AND DEVELOP RECOMMENDATIONS FOR NOTICE REQUIREMENTS WITH RESPECT TO ACCESSORY DWELLING UNITS PERMITTED BY RIGHT WITH SPECIAL STANDARDS (AS AMENDED).

SPONSORED BY: COUNCIL MEMBERS SCOTT REED AND ANTHONY PIAGENTINI

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) previously passed Resolution 082, Series 2020 directing the Louisville Metro Planning Commission (the “Planning Commission”) and its staff to undertake a review of the Land Development Code (“LDC”) and develop recommendations thereto to the Council to reform the LDC for more equitable and inclusive development; and

WHEREAS, the Planning Commission adopted a resolution on August 25, 2020 directing Planning and Design Services staff to review the LDC and develop recommendations for more equitable and inclusive development; and

WHEREAS, Planning and Design services staff held numerous public meetings, including listening sessions to take comments regarding equity issues within the LDC, and based on those listening sessions, developed text amendments to Chapter 1 and Chapter 4 regarding accessory dwelling units (“ADUs”); and

WHEREAS, during the public hearings held by the Planning Committee of the Planning Commission on February 8, 2021 and March 22, 2021, and by the Planning Commission on April 20, 2021 on the proposed text amendments, concerns were expressed regarding deed restrictions and homeowners’ association declarations, which would otherwise restrict construction of ADUs, and in the case of ADUs that are permitted

with special standards, and therefore, do not require a public hearing for approval, how other interested parties would receive notice of the application, and be able to assert any applicable restrictions early in the process; and

WHEREAS, those same concerns were raised by some of the Council Members during the discussion of the Planning Commission’s recommendation as set forth in Planning Commission Resolution 20-LDC-004; and

WHEREAS, the Planning Commission’s recommendation, as amended, was ultimately enacted by Council as Ordinance 092, Series 2021 on June 24, 2021; and

WHEREAS, one of the amendments contained in Ordinance 092, Series 2021 was special standard (k), which states “To avoid any confusion, since there is no language to the contrary, this section does not override any deed restriction or homeowners’ association declarations restricting accessory dwelling units;” and

WHEREAS, the Council is concerned that, without a requirement that a notice of filing be provided in connection with the ADUs that are permitted by right with special standards, both the applicant and other interested parties will be adversely impacted, because absent some sort of notice, issues relating to deed restrictions or homeowners’ association declarations restricting ADUs may not be raised until the time of construction, rather than the time of application.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: The Planning Commission shall undertake a review of the Land Development Code with respect to notice requirements with respect to ADUs permitted by right with special standards and recommend amendments thereto to the Council.

SECTION II: Specifically, the Planning Commission shall consider the following:
Adding a special standard L to LDC 4.3.27 Accessory Dwelling Unit (ADU), which would require a notice of filing of the application for an ADU permitted by right with special standards to be provided to interested parties, including, but not limited to ~~adjoining property owners (first tier, and possibly second tier) and current residents for such properties,~~ the Council Member(s) of the district(s) where the subject property is located, so that the Council Members may be able to inform potentially impacted groups, such as homeowners' associations and interested parties registered on the Neighborhood Notice List, and make a recommendation to Council:

SECTION III: This Resolution shall take effect upon its passage and approval or otherwise becomes law.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____